

**Planning Board Meeting - Minutes
Tuesday, November 21, 2006
Cumberland Town Hall
290 Tuttle Road, Cumberland, Maine
7:00 PM**

A. Call to Order

The meeting was called to order at 7:04 p.m.

B. Roll Call

Present: Tom Powers, Board Chair, Bill Ward, Vice-Chair, Beth Howe, Bob Couillard, Mark Robinson, Chris Neagle

Absent: Bill Richards, Carla Nixon, Town Planner

Staff: Pam Bosarge, Board Clerk

C. Approval of Minutes of October 17, 2006 and September 19, 2006

Ms. Howe moved to approve the minutes of October 17, 2006 and September 19, 2006 with minor technical corrections.

Mr. Couillard seconded.

VOTE: Unanimous

**D. Consent Calendar / De minimus Change Approvals:
City Brew Coffee Entrance Relocation**

Mr. Neagle moved to approve the request to relocate the entrance for City Brew Coffee 27' further west from Route 100 / 26 to eliminate the need to disturb the recently installed granite curb.

Mr. Ward seconded.

VOTE: Unanimous

E. Hearings and Presentations

1. Public Hearing: Revision to Approved Subdivision Plan: Foxes Gore Major Subdivision; Tax Assessor Map R07, Lot 59 in the Rural Residential 2 (RR2) district; Goose Pond Development, LLC, Owner and Applicant, John Riordan, P.E. SGC Engineering, LLC, Representative.

Mr. Powers presented background information as follows: This request is in response to guidance provided by the Town Council. The Town Council decided to accept the open space land with the understanding that it will not be a field that will be maintained in playing condition, but rather mowed by the Town and used for general recreation purposes. Consequently, the developer has submitted two revisions to sections of the approved plan: Sheet 6.0 Landscaping Plan, and Sheet 3.0 Grading and Erosion Control Plan.

Mr. Mark Girard, Applicant, Owner reviewed the proposed changes as follows:
Sheet 3.0 revisions:

- A 2-foot high berm will be created along the west side of the Dedicated Open Space in the same vicinity where a drainage swale had been proposed adjacent to the ball field.

- The irregular mounds on the east end of the open space will be graded to form a smoother transition to the surrounding terrain. Similarly, the embankment along Goose Pond Road on the north side of the open space will be graded as shown to create a more uniform and gradual slope.
- A gravel walkway from Westmore Avenue is still proposed to provide access to the base of the open area, but it has been shortened to maximize the useable grassy play area.
- The open space is still to be planted with grass using a playground mix after the native soils have been graded as shown.

Sheet 6.0 revisions

- The area of the 2-foot high berm, which will be created along the property line abutting the automobile salvage yard, will be landscaped using various trees relocated from other areas on site that need to be cleared due to the road construction or other re-grading activities.

Mr. Neagle asked for clarification on the location of the proposed Town Open Space.

Mr. Girard stated they are proposing to dedicate the 9.3 acres to the Town for Open Space. This is the area that was originally to be constructed as a ball field.

Mr. Neagle stated he was pleased the Town Council had re-considered and asked if the land would be deeded to the Town.

Mr. Girard stated the Council did not waive the Impact Fees in exchange for an improved ball field. The Town has not yet accepted the land.

Mr. Neagle asked about the condition of the land.

Mr. Girard stated the land will be graded and planted with a landscape buffer created from pines, birch, and oak trees relocated from disturbed areas on the site. There will be an informal play area that will be mowed by the Town.

The public portion of the meeting was opened. There were no public comments; the public portion of the meeting was closed.

Ms. Howe moved to adopt the revision to the approved major subdivision Foxes Gore to allow transfer of land to the Town for general recreational purposes; as shown on the revised Sheets 3.0 and 6.0.

Mr. Ward seconded.

VOTE: Unanimous

2. Public Hearing: Minor Site Plan Review: Heritage Tractor Museum, Tax Assessor Map U07, Lot 13, Highway Commercial District (HC); 120 Longwoods Road, William and Noreen Ward Trust, Owners and Applicants.

Mr. Ward was recused himself as a member of the Board.

Mr. Ward, Applicant reviewed his request as follows: He is requesting minor site plan approval to construct a 36' x 64' barn to house a vintage Ford Tractor collection. Visitors to the museum /

showroom will be by invitation only. The site is wooded and an existing buffer of trees will surround the structure. The museum will be utilizing private water and septic. The museum will be located on half of the lot next to his residence. This lot is owned under separate deed by himself and his wife.

Mr. Neagle asked about landscaping, and would the property be visible from Route 9.

Mr. Ward stated the property is heavily wooded, and will remain wooded. The barn will be located back from the road; and not visible from Route 9.

Mr. Couillard asked if there would be a parking apron outside of the barn.

Mr. Ward stated no, just the driveway; there will be no outside storage.

Mr. Couillard asked about the location of the wet area.

Mr. Ward reviewed the location of the wet area, the barn will not be located in that area.

Mr. Neagle gave council regarding separating lots and common ownership.

Mr. Ward reviewed his waiver requests stating the site is flat and will not require any grading; the building is proposed to be 36' x 64' approximately 2,400 square feet of impervious surface on a 1.6 acre parcel with minimal disturbance to the property.

The public portion of the meeting was opened. There were no public comments. The public portion of the meeting was closed.

Mr. Robinson stated he was familiar with the site and in favor of the waiver requests.

Mr. Robinson moved to grant waivers of Sections 206.7.4.2 - Grading at 2' contours and 206.7.4.16 - Stormwater calculations / erosion and sedimentation control plan, etc.

Mr. Neagle seconded.

VOTE: Unanimous

Mr. Robinson reviewed the findings of fact with the following conclusions:

Findings of Fact

Note: Section 206.7.6 states that the Planning Board may waive any of the submission requirements based upon a written request by the applicant. A waiver may be granted only if the Board finds that the information is not required to determine compliance with the standards and criteria.

Sec. 206.8 Approval Standards and Criteria

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

.1 Utilization of the Site

Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The applicant will limit excavation to the minimum amount necessary to site the building and the septic system. The building envelope is set back from the small wetland area on the front/side of the lot. An existing treed buffer will remain in place.

The Board finds the standards of this section have been met.

.2 Traffic Access and Parking

Vehicular access to and from the development must be safe and convenient.

.1 Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

.2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

.3 The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

.4 The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

.5 Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.

.6 Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

.7 Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

.8 The following criteria must be used to limit the number of driveways serving a proposed project:

- a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
- b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

Access to the building will be from an existing driveway from Longwoods Rd. to a 12' driveway to the barn. There will be very little traffic generated, as viewing of the tractor collection will be by invitation only. There is no parking lot proposed, cars will park in the driveway or along the driveway to the residence.

The Board finds the standards of this section have been met.

.3 Accessway Location and Spacing

Accessways must meet the following standards:

- .1 Private entrance / exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- .2 Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

The existing entrance from Longwoods Road is not being changed.

The Board finds the standards of this section have been met.

.4 Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

- .1 Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.
- .2 Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
Mr. Neagle asked about field trips from school and parking for buses.

Mr. Ward stated there is a daycare across the street with parking and access for buses.

- .3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- .4 All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must

provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

There will be very few visits to the site. There is adequate access proposed.

The Board finds the standards of this section have been met.

.5 Parking Layout and Design

Off street parking must conform to the following standards:

.1 Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

.2 All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

.3 Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-0"	24'-0" 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" 1 way

.4 In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

.5 Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

.6 Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

There will be very little parking needed for this use. Parking will be in and along the two driveways.

The Board finds the standards of this section have been met.

.6 Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

There are no sidewalks in the area to link to and there will be very little pedestrian traffic generated as a result of this project.

The Board finds the standards of this section have been met.

.7 Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

.1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

.2 Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

.3 The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.

.4 All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

.5 The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

.6 The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

.7 The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

A waiver from the stormwater calculations was granted by the Board. The applicant indicated the direction of drainage on the site to the adjacent site which is also owned by the applicant. The existing drainage swales are sufficient to handle any additional runoff generated by the small increase in impervious surface.

The Board finds the standards of this section have been met.

.8 Erosion Control

.1 All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

.2 Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

The applicant will utilize appropriate erosion control measures that will be required in the building process.

The Board finds the standards of this section have been met.

.9 Water Supply Provisions

The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

This use will require very little water. There is an existing well on the adjacent property which has a 3 bedroom house on it and will share water with the museum. The applicant reports that existing wells are producing 12-15 gallons per minute.

The Board finds the standards of this section have been met.

.10 Sewage Disposal Provisions

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

A septic system will be installed to serve this building. A septic design was prepared by Bud Harris, Licensed Soils Evaluator, Harris Lands Solutions,

The Board finds the standards of this section have been met.

.11 Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

A CMP pole will be installed on the front of the property and lines will be run underground from the pole to the building.

The Board finds the standards of this section have been met.

.12 Groundwater Protection

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

There will be no impact to the groundwater as a result of this project. There will be very little water and septic needed for this operation.

The Board finds the standards of this section have been met.

.13 Water Quality Protection

All aspects of the project must be designed so that:

.1 No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

.2 All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

There will be no storage of hazardous materials on site that would adversely affect water quality in the area.

The Board finds the standards of this section have been met.

.14 Capacity of the Applicant

The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

There are no public improvements being done as part of this project. The applicant has provided a letter dated 10/17/06 from Maine Bank and Trust indicating that the applicant has sufficient funds for the improvements to the property.

The applicant has utilized the services of SGC Engineering and Harris Land Solutions, LSE.

The Board finds the standards of this section have been met.

.15 Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

There are no structures on the parcel, and there are no evident historic or archeological features on the site.

The Board finds the standards of this section have been met.

.16 Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use, and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

According to Flood Insurance Rate map #230162-0025 as issued by FEMA, the subject property is located in Zone C (area of minimal flooding.)

The Board finds the standards of this section have been met.

.17 Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

There is no lighting proposed or required since visitors to the site will be by invitation only.

The Board finds the standards of this section have been met.

.18 Buffering of Adjacent Uses

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

An existing stand of trees will surround the building on all sides. There is no need for additional buffering.

The Board finds the standards of this section have been met.

.19 Noise

The development must control noise levels such that it will not create a nuisance for neighboring properties.

The new use, a tractor museum, will not create a noise nuisance for neighboring properties.

The Board finds the standards of this section have been met.

.20 Storage of Materials

.1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

.2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

.3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

There will be no storage of any hazardous materials on the site. All vehicles will be stored inside the building.

The Board finds the standards of this section have been met.

.21 Landscaping

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

An existing stand of trees will surround the building on all sides. There is no need for additional landscaping.

The Board finds the standards of this section have been met.

.22 Building and Parking Placement

.1 The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

.2 Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

The building is being located in the center of the parcel so as to take advantage of higher ground and to reduce visibility from the road and nearby residences.

The Board finds the standards of this section have been met.

206.9 Limitation of Approval

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect

at the time the extension is granted and any and all federal and state approvals and permits are current.

Mr. Neagle moved to adopt the findings of fact.

Ms. Howe seconded

VOTE: Unanimous

Mr. Neagle moved to approve with the standard and proposed conditions of approval the minor site plan request for Heritage Tractor Museum; at 120 Longwoods Road, Tax Assessor Map U07, Lot 3, in the Highway Commercial District (HC); William and Noreen Ward Trust, Owners and Applicants.

Mr. Robinson seconded.

VOTE: Unanimous

Standard Conditions of Approval

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Proposed Conditions of Approval

1. That all fees are paid.

F. Administrative Matters - None

G. Adjournment

Mr. Neagle moved to adjourn at 7:35 p.m.

Mr. Robinson seconded.

VOTE: Unanimous

The meeting was adjourned at 7:35 p.m.

A TRUE COPY ATTEST:

Thomas E. Powers, Board Chair

Pam Bosarge, Board Clerk